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MAIL

OCT 15 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION
ON PETITION

In re Application of:
Aviel D. Rubin, et al.
Application No. 09/553,361
Filed: April 20, 2000
For: SYSTEM AND METHOD FOR STORAGE
AND RETRIEVAL OF PERSONAL
COMMUNICATIONS IN A BROADBAND
NETWORK

This is a response to the facsimile copy of a previously filed response which is being treated as a Petition to Withdraw Holding of Abandonment, filed July 15, 2004. The communication is being treated under 37 CFR 1.8(b) to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a response to the Office action mailed November 12, 2003, which set a shortened statutory period of three (3) months to reply. No Notice of Abandonment was mailed.

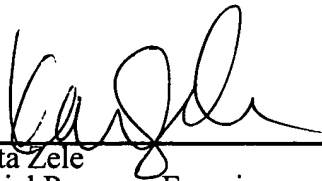
Petitioner alleges to have timely filed a response to the Office action on February 26, 2004. To support this position, Petitioner has provided a copy of the response, including a request for a one month extension of time, and bearing a proper certificate of facsimile transmission with a transmission date of February 26, 2004.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Petitioner has met the requirements above. While a statement which attests on a personal knowledge basis has not been provided by Mr. Henry Brendzel; an e-mail communication was provided by Ms. Christine Henderson wherein Mr. Brendzel was cc'd. Furthermore, a copy of the sending unit's report confirming transmission was also provided to support this statement. Accordingly, the holding of abandonment is withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the copy of the response. From there, the file will be forwarded to the examiner for consideration in due course.



Krista Zele
Special Program Examiner
Technology Center 2600
Communications